

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT GREENEVILLE

MICHAEL EYES, individually and on  
behalf of himself and other similarly  
situated current and former employees,

Plaintiff,

v.

UNITED PROPANE GAS, INC., and  
LAKEWAY PROPANE GAS, INC.,

Defendants.

No.: 2:20-CV-208-KAC-CRW

**ORDER ADOPTING REPORT & RECOMMENDATION**

Before the Court is United States Magistrate Judge Cynthia R. Wyrick’s “Report and Recommendation” (“Report”) entered on December 22, 2021 [Doc. 40]. On July 1, 2021, Plaintiff Michael Eyes filed a “Motion for FLSA Conditional Certification” [Doc. 33], which, among other things, (1) sought to “conditionally certify a collective action” under the Fair Labor Standards Act (“FLSA”) and (2) provided for notification of potential members of the collective action [*Id.* at 1-2]. On October 28, 2021, the Parties filed a “Stipulation on Plaintiff’s Motion for Fair Labor Standards Act Conditional Certification” [Doc. 39]. In that Stipulation, the Parties “agreed to conditional certification and the issuance of Court-approved notice” using forms and terms that were more precise and limited than those in Plaintiff’s initial motion for conditional certification [*See id.* at 1; *Compare* Docs. 39-1 & 39-2 with Doc. 33].

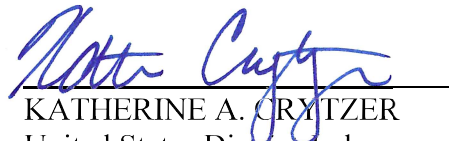
In her Report, Judge Wyrick recommends that the Court grant Plaintiff’s “Motion for FLSA Conditional Certification” [Doc. 33], as modified by the Parties’ later “Stipulation on Plaintiff’s Motion for Fair Labor Standards Act Conditional Certification” [Doc. 39]; approve the Parties’ proposed notification and consent forms and terms [*See* Docs. 39-1, 39-2]; and defer a

decision on an equitable tolling issue until necessary discovery is completed and the matter is fully briefed [*See* Doc. 40 at 7, 8, 9]. Neither Party has objected to the Report, and the time to do so has passed. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(2).

After reviewing the record, the Court **ACCEPTS** and **ADOPTS** Judge Wyrick's Report [Doc. 40] under 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b)(2). The Court **ORDERS** as follows:

- (1) The Court **GRANTS** Plaintiff's "Motion for FLSA Conditional Certification" [Doc. 33], as modified by the Parties' "Stipulation on Plaintiff's Motion for Fair Labor Standards Act Conditional Certification" [Doc. 39];
- (2) The Court **APPROVES** the Parties' proposed notification and consent forms [Doc. 39-1] and terms [*See* Doc 39] and **AUTHORIZES** the issuance of the Parties' proposed notification and consent forms to potential members of the conditionally-certified collective action; and
- (3) The Court **DEFERS** a decision on equitably tolling until necessary discovery is completed and the matter is fully briefed.

IT IS SO ORDERED.

  
KATHERINE A. CRYTZER  
United States District Judge